

1 **NEPOTISM AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bruce R. Cutler**

5 Senate Sponsor: Jani Iwamoto

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions prohibiting a public officer from employing a relative.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the definition of "relative";
- 13 ▶ revises nepotism provisions; and
- 14 ▶ makes technical and conforming amendments.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **52-3-1**, as last amended by Laws of Utah 2010, Chapter 324

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23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **52-3-1** is amended to read:

25 **52-3-1. Employment of relatives prohibited -- Exceptions.**

26 (1) For purposes of this section:

27 (a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid  
28 from public funds.

29 (b) "Chief administrative officer" means the person who has ultimate responsibility for

30 the operation of the department or agency of the state or a political subdivision.

31 (c) "Public officer" means a person who holds a position that is compensated by public  
32 funds.

33 (d) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,  
34 grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin,  
35 mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

36 (2) (a) No public officer may employ, appoint, or vote for or recommend the  
37 appointment of a relative in or to any position or employment, when the salary, wages, pay, or  
38 compensation of the appointee will be paid from public funds and the appointee will be directly  
39 supervised by a relative, except as follows:

40 (i) the appointee is eligible or qualified to be employed by a department or agency of  
41 the state or a political subdivision of the state as a result of his compliance with civil service  
42 laws or regulations, or merit system laws or regulations;

43 (ii) the appointee will be compensated from funds designated for vocational training;

44 (iii) the appointee will be employed for a period of 12 weeks or less;

45 (iv) the appointee is a volunteer as defined by the employing entity; or

46 (v) the chief administrative officer determines that the appointee is the only or best  
47 person available, qualified, or eligible for the position[~~; or~~].

48 [~~(vi) the chief administrative officer determines that the public officer is the only~~  
49 ~~person available or best qualified to perform supervisory functions for the appointee.~~]

50 (b) No public officer may directly supervise an appointee who is a relative when the  
51 salary, wages, pay, or compensation of the relative will be paid from public funds, except as  
52 follows:

53 (i) the relative was appointed or employed before the public officer assumed his  
54 position, if the relative's appointment did not violate the provisions of this chapter in effect at  
55 the time of his appointment;

56 (ii) the appointee is eligible or qualified to be employed by a department or agency of  
57 the state or a political subdivision of the state as a result of his compliance with civil service

58 laws or regulations, or merit system laws or regulations;

59 (iii) the appointee will be compensated from funds designated for vocational training;

60 (iv) the appointee will be employed for a period of 12 weeks or less;

61 (v) the appointee is a volunteer as defined by the employing entity;

62 (vi) the appointee is the only person available, qualified, or eligible for the position; or

63 (vii) the chief administrative officer determines that the public officer is the only

64 person available or best qualified to perform supervisory functions for the appointee.

65 (c) When a public officer supervises a relative under Subsection (2)(b):

66 (i) the public officer shall make a complete written disclosure of the relationship to the

67 chief administrative officer of the agency or institution; and

68 (ii) the public officer who exercises authority over a relative may not evaluate the

69 relative's job performance or recommend salary increases for the relative.

70 (3) No appointee may accept or retain employment if he is paid from public funds, and

71 he is under the direct supervision of a relative, except as follows:

72 (a) the relative was appointed or employed before the public officer assumed his

73 position, if the relative's appointment did not violate the provisions of this chapter in effect at

74 the time of his appointment;

75 (b) the appointee was or is eligible or qualified to be employed by a department or

76 agency of the state or a political subdivision of the state as a result of his compliance with civil

77 service laws or regulations, or merit system laws or regulations;

78 (c) the appointee is the only person available, qualified, or eligible for the position;

79 (d) the appointee is compensated from funds designated for vocational training;

80 (e) the appointee is employed for a period of 12 weeks or less;

81 (f) the appointee is a volunteer as defined by the employing entity; or

82 (g) the chief administrative officer has determined that the appointee's relative is the

83 only person available or qualified to supervise the appointee.